

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.101

CRM-M-4333-2022

Date of Decision:03.02.2022

Iqbal Singh @ Gagan and others

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Tejinderbir Singh, Advocate,
for the petitioners.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

Petitioners pray for grant of pre-arrest bail in FIR No.253 dated 13.11.2021 under Sections 307/323/341/506/148/149 IPC registered at Police Station Samana, District Patiala.

As per the allegations in the FIR, the complainant along with his relative Gopal Singh was going on his Tractor on 13.11.2021. At about 9.00 AM, Gopi and Jarnail Singh @ Jaila (petitioner No.3) holding kohari (axe) and danda in their hands came on a motorcycle and stopped the tractor of the complainant. In the meantime, Preet, Karnail Singh @ Raju (petitioner No.2), Iqbal Singh @ Gagan (petitioner No.1) and Sahib Singh also came there in Swift Car, who were holding gandasis in their hands. Jarnail Singh and Karnail Singh raised lalkara. Petitioners-Jarnail Singh, Karnail Singh and Iqbal Singh @ Gagan gave gandasi blows on the head of the complainant. Sahib Singh and his son Preet gave gandasi blows on fingers of complainant's right hand, left biceps, left wrist and both legs.

Learned counsel for the petitioners submits that co-accused Sahib Singh has already been granted the pre-arrest bail vide order dated 18.01.2022 passed by this Court in CRM-M-53023-2021. The allegations against the present petitioners are similar to that of co-accused Sahib Singh. Thus, the present petitioners deserve to be granted the benefit of pre-arrest bail on the ground of parity.

On the other hand, learned counsel for the State submits that

the presented petitioners have been attributed with injuries on vital part of the body of the complainant, i.e. head with gandasis. However, co-accused Sahib Singh caused simple injuries to the complainant and therefore, the case of the present petitioners cannot be considered on parity. Thus, he prays for dismissal of the present petition.

This Court has heard the learned counsel for the parties.

From the perusal of the case file, it, prima facie, appears that the present petitioners have been attributed with serious injuries on the head of the complainant, i.e. vital part of the body. The ground of the petitioners of parity with co-accused cannot be considered in view of the injuries attributed to co-accused Sahib Singh are simple in nature which are on the non-vital parts of the body of the injured.

The granting of pre-arrest bail to co-accused cannot be a binding precedent and the role of each and every accused has to be assessed individually and independently before considering the request of the petitioners. Thus, no ground is made out to grant pre-arrest bail to the present petitioners.

In view of the above, the present petition stands dismissed.

03.02.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO